

CITY OF LYNNWOOD

ORDINANCE NO. 2626

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, AUTHORIZING AGREEMENTS FOR THE DEVELOPMENT OF REAL PROPERTY AND ESTABLISHING PROCESSING REQUIREMENTS AND DECISION CRITERIA FOR THE CONSIDERATION THEREOF; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR SUMMARY PUBLICATION.

WHEREAS, certainty in the development permitting process regarding the timing of development approvals and amendments to City development regulations can facilitate development of large projects and severely constrained sites; and

WHEREAS, such certainty can conserve public and private resources, reduce housing costs, and encourage commitment to comprehensive planning; and

WHEREAS, RCW 36.70B.170-.210 authorizes cities in Washington to enter into agreements governing the development of real property with a person having ownership or control of such property;

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1: New Chapter: A new Chapter 1.37 is added to the Lynnwood Municipal Code to read as follows:

1.37.010 Scope

This Chapter establishes the procedure and criteria for development agreements between the city and a person who owns or controls real property, pursuant to RCW 36.70B.170-.210.

1.37.020 Purpose

Certainty in the development review process can significantly encourage development or redevelopment of real property. This certainty is especially important for large-scale or multi-phase developments that take years to complete and that require substantial financial commitments at an early stage. The city may, when appropriate, enhance certainty by entering into a development agreement with a project sponsor that addresses the "ground rules" for review of the development application and construction of the project. A development agreement provides the opportunity for the city and the developer to agree on the scope and timing of the project, applicable regulations and requirements, mitigation requirements and other matters relating to the development process. A development agreement promotes the general welfare by balancing the public and private interests, providing reasonable certainty for a development project,

and addressing other matters, including reimbursement over time for the financing of public facilities.

1.37.030 Definitions

The term “development agreement” means an agreement between the city and a person who owns or controls real property regarding the development, use and mitigation of development of that property.

1.37.040 Authority

Pursuant to RCW 36.70B.170-.210, and as a legislative action, the city council may approve and enter into a development agreement with any person, partnership, corporation or other entity that controls real property.

1.37.050 Public Hearing

Prior to acting on a proposed development agreement, the city council shall hold a public hearing on the proposed agreement, at which time all those wishing to speak shall be heard. The applicable department director shall prepare a notice of the public hearing that contains the following:

- A. Name of the property/project to which the agreement would apply;
- B. Street address and/or a description of the property in nonlegal terms;
- C. Statement that a development agreement is proposed for the subject property and reference to this chapter;
- D. Brief summary of the proposed development agreement;
- E. Date, time and place of the hearing; and
- F. Statement of the right of any person to participate in the hearing.

The applicable department director shall distribute the notice at least 20 calendar days before the hearing in the following manner:

- A. Publishing the notice in the official newspaper of the city (LMC 1.08.010);
- B. Posting the notice at the official posting place(s) of the city (LMC 1.12.010) and at the subject property so that the notice is readable from all adjacent public streets; and
- C. Mailing the notice by regular mail to owners of property within at least 600 feet of the boundary of the subject property.

The notice requirement(s) of this section shall be satisfied by substantial compliance with such requirements.

1.37.060 Real Property Covered

A development agreement may apply to any real property within the city and to any real property within the city's urban growth area.

1.37.070 Agreement Contents

A proposed development agreement shall, at a minimum, include provisions required by RCW 36.70B.170-.210, and shall set forth the development standards and other provisions that shall apply to and govern the use and development of the real property for the duration specified in the agreement. An agreement may also contain such other provisions as the city and the property owner or person controlling the property may mutually agree, such as, but not limited to, the financing for or timing of mitigation and the vesting of development rights. A development agreement shall be consistent with applicable development regulations.

1.37.080 Decision Criteria

The city council may approve and enter into a proposed development agreement if the council finds, in its sole discretion, that a proposed agreement is consistent with the city's comprehensive plan, the development regulations and the purpose of this chapter, and that entering into the agreement is in the City's best interest.

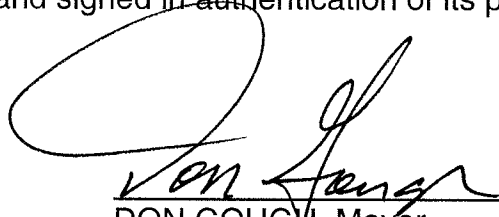
1.37.090 Recording

The development agreement shall include a provision that requires the applicant to record the agreement with the Snohomish County Auditor.

Section 2: Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

Section 3: Effective Date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in force five (5) days after publication.


* PASSED THIS 10th day of July, 2006, and signed in authentication of its passage this 14th day of July, 2006.


DON GOUGH, Mayor

ATTEST:

APPROVED AS TO FORM:


PATRICK DUGAN
Interim Finance Director


MICHAEL RUARK
City Attorney

* CORRECTED DATE OF EXECUTION